

AN ACT

REVISING PROVISIONS AFFECTING THE ADMINISTRATION OF
THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP,
INCLUDING ASSOCIATED REGULATIONS AND LICENSING, AS IT
RELATES TO BIOFUELS, WEATHER AND MARKET INFORMATION,
INTERNET PUBLICATIONS, SOIL AND WATER CONSERVATION, FEED,
VACCINATIONS, TUBERCULOSIS, BRUCELLOSIS, CLASSICAL SWINE
FEVER, JOHNE'S DISEASE, TREATMENT FOR SHEEP, BRANDING,
MANUFACTURED ARTICLES, GRAIN, PESTICIDES, COAL MINING, AND
WEIGHTS AND MEASURES, MAKING PENALTIES APPLICABLE, AND
INCLUDING APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

GENERAL

Section 1. Section 159.2, subsection 1, Code 2011, is
amended to read as follows:

1. To encourage, promote, and advance the interests of
agriculture, including horticulture, livestock industry,

dairying, cheese making, poultry raising, biofuels, beekeeping, production of wool, production of domesticated fur-bearing animals, and other kindred and allied industries.

Sec. 2. Section 159.5, subsection 4, Code 2011, is amended to read as follows:

4. Maintain a weather ~~division~~ bureau which shall, in cooperation with the national weather service, collect and disseminate weather and phenological statistics and meteorological data, and promote knowledge of meteorology, phenology, and climatology of the state. The ~~division~~ bureau shall be headed by the state climatologist who shall be appointed by the secretary of agriculture, and shall be an officer of the national weather service, if one is detailed for that purpose by the federal government.

Sec. 3. Section 159.5, subsection 5, Code 2011, is amended by striking the subsection.

Sec. 4. Section 159.5, subsection 7, Code 2011, is amended to read as follows:

~~7. Maintain a division of agricultural statistics, which shall, in cooperation~~ Cooperate with the United States department of agriculture statistical reporting service, to gather, compile, and publish statistical information concerning the condition and progress of crops, the production of crops, livestock, livestock products, poultry, and other such related agricultural statistics, as will generally promote knowledge of the agricultural industry in the state of Iowa. The statistics, when published, constitute official agricultural statistics for the state of Iowa. ~~The division is in the charge of an administrator, who shall be appointed by the secretary of agriculture and who shall be an officer of the United States department of agriculture statistical reporting service, if one is detailed for that purpose by the federal government.~~

Sec. 5. Section 159.5, subsection 8, Code 2011, is amended to read as follows:

8. Establish and maintain a marketing news service ~~division~~ bureau in the department which shall, in cooperation with the federal market news and grading division of the United States department of agriculture, collect and disseminate data and information relative to the market prices and conditions of agricultural products raised, produced, and handled in the state. ~~The division is in the charge of an administrator, who shall be appointed by the secretary of agriculture and shall be~~

~~an officer of the federal market news and grading division of the United States department of agriculture, if one is detailed for that purpose by the federal government.~~

Sec. 6. Section 159.9, Code 2011, is amended to read as follows:

159.9 ~~Publication and distribution of rules~~ Internet access to statutes and rules.

~~A sufficient number of pamphlets setting forth the~~ The statutes relating to and rules of adopted by the department shall be published from time to time to supply the various needs for the same and shall be furnished to any resident of the state ~~upon request~~ shall be made available on the internet.

Sec. 7. REPEAL. Section 159.14, Code 2011, is repealed.

DIVISION II

SOIL AND WATER CONSERVATION

Sec. 8. Section 159.8, Code 2011, is amended to read as follows:

159.8 Comprehensive management plan — highly erodible acres.

1. The department shall request cooperation from the federal government, including the United States department of agriculture consolidated farm service agency and the United States department of agriculture natural resources conservation service, to investigate methods to preserve land which is highly erodible, as provided in the federal Food Security Act of 1985, 16 U.S.C. § 3801 et seq., for the purpose of developing with owners of the land a comprehensive management plan for the land. The plan may be based on the soil conservation plan of the natural resources conservation service and may include a farm unit conservation plan and a comprehensive agreement as provided in chapter 161A. The extension services at Iowa state university of science and technology shall cooperate with the department in developing the comprehensive plan.

2. The investigation shall include methods which help to preserve highly erodible land from row crop production through production of alternative commodities, and financial incentives. ~~The department shall report to the governor and the general assembly not later than January 15, 1990, of the department's progress in the investigation. The department shall report to the governor and the general assembly not later than January 15, 1991, on the department's recommendation for programs necessary to preserve highly erodible land from injury or destruction.~~

Sec. 9. Section 161A.7, subsection 3, Code 2011, is amended to read as follows:

3. The commissioners ~~shall~~, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, shall require the owner of the land on which the practices are to be established to covenant and file, in the office of the soil and water conservation district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the state soil conservation committee, for a period ~~of~~ not to exceed twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of this subsection. The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

Sec. 10. Section 161A.12, Code 2011, is amended to read as follows:

161A.12 Statement to department of management.

On or before October 1 next preceding each annual legislative session, the ~~division~~ department shall submit to the department of management, on official estimate blanks furnished for those purposes, statements and estimates of the expenditure requirements for each fiscal year, and a statement of the balance of funds, if any, available to the division, and the estimates of the division as to the sums needed for the administrative and other expenses of the division for the purposes of this chapter.

Sec. 11. Section 161A.42, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 12. Section 161A.42, subsection 7, Code 2011, is amended to read as follows:

7. "*Farm unit soil conservation plan*" means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the commissioners of the soil and water conservation district within which that farm unit is located, ~~based on the conservation folder for that farm unit and~~ identifying those permanent soil and water conservation

practices and temporary soil and water conservation practices the use of which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil loss limit or limits. The plan shall if practicable identify alternative practices by which this objective may be attained.

Sec. 13. Section 161A.61, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~Beginning January 1, 1985, or five years after the completion of the conservation folder for a particular farm unit pursuant to this section, whichever date is later, the~~ The commissioners of the soil and water conservation district in which that farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection 1, paragraph "b", for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when the owner or occupant must complete the steps necessary to comply with the order. The time allowed to complete the establishment of a temporary soil and water conservation practice employed to comply or advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of a permanent soil and water conservation practice employed to comply with the court's order shall be not more than five years after the date of that order. Section 161A.48 applies to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order are those which are necessary to do one of the following:

Sec. 14. Section 161A.62, subsection 1, Code 2011, is amended by striking the subsection.

Sec. 15. Section 161A.62, subsection 2, Code 2011, is amended to read as follows:

2. The commissioners of each soil and water conservation district shall complete preparation of a farm unit soil conservation plan for each farm unit within the district, ~~not later than January 1, 1985, or five years after completion of the conservation folder for that farm unit, whichever date is later, or as soon thereafter as adequate funding is available to permit compliance with this requirement.~~

a. Technical assistance in the development of the farm

unit soil conservation plan may be provided by the United States department of agriculture natural resources conservation service through the memorandum of understanding with the district or by the department. The commissioners shall make every reasonable effort to consult with the owner and, if appropriate, with the operator of that farm unit, and to prepare the plan in a form which is acceptable to that person or those persons.

b. The farm unit soil conservation plan shall be drawn up and completed without expense to the owner or operator of the farm unit, except that the owner or operator shall not be reimbursed for the value of the owner's or occupant's own time devoted to participation in the preparation of the plan.

c. If the commissioners' farm unit soil conservation plan is unacceptable to the owner or operator of the farm unit, that person or those persons may prepare an alternative farm unit soil conservation plan identifying permanent or temporary soil and water conservation practices which may be expected to achieve compliance with the soil loss limit or limits applicable to that farm unit, and submit that plan to the soil and water conservation district commissioners for their review.

Sec. 16. Section 161A.63, Code 2011, is amended to read as follows:

161A.63 Right of purchaser of agricultural land to obtain information.

A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain from the seller, or from the office of the soil and water conservation district in which the land is located, a copy of the most recently updated ~~conservation folder and of any~~ farm unit soil conservation plan, developed pursuant to section 161A.62, subsection 2, which are applicable to the agricultural land proposed to be purchased. A prospective purchaser of an interest in agricultural land located in this state is entitled to obtain additional copies of either or both of the documents referred to in this section from the office of the soil and water conservation district in which the land is located, promptly upon request, at a fee not to exceed the cost of reproducing them. All persons who identify themselves to the commissioners or staff of a soil and water conservation district as prospective purchasers of agricultural land in the district shall be given information, prepared in accordance with rules

of the department, which clearly explains the provisions of section 161A.76.

Sec. 17. Section 161A.73, subsection 2, paragraph b, Code 2011, is amended to read as follows:

b. The allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices. The practices must be constructed on or after June 15 but not later than ~~September~~ October 15. The commissioners may also provide for the payment of moneys on a prorated basis to compensate persons for the production loss on an area disturbed by construction, according to rules which shall be adopted by the division. ~~The commissioners shall not allocate cost-share moneys to support summer construction during a fiscal year in which applications for cost-share moneys required to establish permanent soil and water conservation practices, other than established by summer construction, equal the total amount available to support the nonsummer construction practices. The financial incentives shall not exceed sixty percent of the estimated cost of establishing the practice as determined by the commissioners, or sixty percent of the actual cost of establishing the practice, whichever is less.~~

Sec. 18. Section 161A.76, subsection 1, Code 2011, is amended to read as follows:

1. It is the intent of this chapter that, ~~effective January 1, 1981,~~ each tract of agricultural land which has not been plowed or used for growing row crops at any time within the prior fifteen years ~~prior to that date~~, shall for purposes of this section be considered classified as agricultural land under conservation cover. If a tract of land so classified is thereafter plowed or used for growing row crops, the commissioners of the soil and water conservation district in which the land is located shall not approve use of state cost-sharing funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-sharing funds which would be available for that land if it were not considered classified as agricultural land under conservation cover. The restriction imposed by this section applies even if an administrative order or court order has been issued requiring establishment of soil and water conservation practices on that land. The commissioners may waive the

restriction imposed by this section if they determine in advance that the purpose of plowing or row cropping land classified as land under conservation cover is to revitalize permanent pasture and that the land will revert to permanent pasture within two years after it is plowed.

DIVISION III

ANIMAL HEALTH — GENERAL

Sec. 19. Section 163.7, Code 2011, is amended to read as follows:

163.7 State and federal rules.

The rules adopted by the department regarding interstate shipments of animals shall not be in conflict with the rules of the ~~federal~~ United States department of agriculture, unless there is an outbreak of a malignant contagious disease in any locality, state, or territory, in which event the department ~~shall have the right to~~ of agriculture and land stewardship may place an embargo on such locality, state, or territory.

Sec. 20. Section 163.25, Code 2011, is amended to read as follows:

163.25 Altering certificate.

1. A person shall not remove or alter a tag or mark of identification appearing on an animal, tested or being tested for disease, if the tag or mark of identification is authorized by the department or inserted by any qualified veterinarian.

2. A person shall not ~~alter a~~ falsify any of the following:

a. A certificate of vaccination, issued by a person authorized to vaccinate the animal.

b. A certificate of veterinary inspection.

Sec. 21. Section 163.26, Code 2011, is amended to read as follows:

163.26 Definition.

For the purposes of this subchapter, "*garbage*" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of foods, including animal carcasses or parts, ~~and.~~ "Garbage" includes all waste material, by-products of a kitchen, restaurant, hotel, or slaughterhouse, every refuse accumulation of animal, fruit, or vegetable matter, liquids or otherwise, ~~except or~~ grain not consumed, that is collected from hog sales pen floors in public stockyards ~~and fed under the control of the department of agriculture and land stewardship.~~ Animals or parts of animals, which are processed by slaughterhouses or rendering establishments, and which as part of the processing

are heated to not less than 212 degrees F. for thirty minutes, are not garbage for purposes of this chapter.

Sec. 22. Section 163.27, Code 2011, is amended to read as follows:

163.27 Boiling garbage.

~~1. It shall be unlawful for any person, firm, partnership, or corporation to feed garbage~~ Garbage shall not be fed to animals an animal unless such garbage has been heated to a temperature of two hundred twelve degrees Fahrenheit for thirty minutes, or other acceptable method, as provided by rules ~~promulgated~~ adopted by the department, ~~provided.~~ However, this requirement shall not apply to an individual who feeds to the individual's own animals only the garbage obtained from the individual's own household. ~~It shall be unlawful for any~~

~~2. A person, firm, partnership, or corporation to shall not feed any public or commercial garbage to swine after September 1, 1970.~~

Sec. 23. Section 163.28, unnumbered paragraph 4, Code 2011, is amended to read as follows:

The license fee for each processing plant shall be fifty dollars, except that the first license fee may be prorated on a monthly basis as prescribed by the department. The secretary shall not issue a license which would permit the processing of any garbage for swine feeding ~~after September 1, 1970.~~

Sec. 24. Section 163.30, subsection 11, Code Supplement 2011, is amended to read as follows:

~~11. All~~ Any swine found by a registered veterinarian to have any infectious or contagious disease after delivery to any a livestock sale barn or auction market for resale, other than for slaughter, shall be immediately returned to the consignor's premises to be quarantined separate and apart for fifteen days. Such swine shall not be moved from such premises for any purpose unless a certificate of veterinary inspection accompanies the swine's movement or unless ~~they~~ the swine are sent to slaughter. ~~This subsection shall in no way supersede the requirements of sections 163A.2 and 163A.3.~~

Sec. 25. Section 163.61, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. A person who falsifies a certificate of vaccination or certificate of veterinary inspection shall be subject to a civil penalty of not more than five thousand dollars for each reference to an animal falsified on the certificate. However,

a person who falsifies a certificate issued pursuant to chapter 166D shall be subject to a civil penalty as provided in this section or section 166D.16, but not both. A person shall not be subject to a civil penalty totaling more than twenty-five thousand dollars for falsifying a certificate, regardless of the number of animals falsified on the certificate.

DIVISION IV

ANIMAL HEALTH — BOVINE TUBERCULOSIS

Sec. 26. Section 165.1, Code 2011, is amended to read as follows:

165.1 Cooperation.

The ~~state department of agriculture and land stewardship~~ is hereby authorized to cooperate with the ~~federal~~ United States department of agriculture for the purpose of eradicating tuberculosis from the dairy and beef breeds of cattle in the state.

Sec. 27. Section 165.2, Code 2011, is amended to read as follows:

165.2 State as accredited area.

1. The state of Iowa is hereby declared to be and is hereby established as an accredited area for the eradication of bovine tuberculosis from the dairy and breeding cattle of the state. It shall be the duty of the ~~department of agriculture and land stewardship~~ to eradicate bovine tuberculosis in all of the counties of the state in the manner provided by law as it appears in this chapter. ~~Said~~ The department shall proceed with the examination, including the tuberculin test, of all such cattle as rapidly as practicable and as is consistent with efficient work, and as funds are available for paying the indemnities as provided by law.

2. An owner of dairy or breeding cattle in the state shall conform to and abide by the rules ~~laid down~~ adopted by the department and rules promulgated by the federal ~~United States~~ department of agriculture ~~and~~. The owner shall follow ~~their~~ the instructions of the department of agriculture and land stewardship and the United States department of agriculture designed to suppress the disease, prevent its spread, and avoid reinfection of the herd.

Sec. 28. Section 165.3, Code 2011, is amended to read as follows:

165.3 Appraisal.

Before being tested, such animals shall be appraised

at their cash value for breeding, dairy, or beef purposes by the owner and a representative of the department, or a representative of the ~~federal~~ United States department of agriculture, or by the owner and both of such representatives. If these parties cannot agree as to the amount of the appraisal, there shall be appointed three competent and disinterested persons, one by the department, one by the owner, and the third by the first two appointed, to appraise such animals, which appraisal shall be final. Every appraisal shall be under oath or affirmation and the expense of the same shall be paid by the state, except as provided in this chapter.

Sec. 29. Section 165.12, Code 2011, is amended to read as follows:

165.12 Tuberculosis-free herds.

The department shall establish rules for determining when a herd of cattle, tested and maintained under the provisions of this chapter, the laws of the United States, and the rules of the ~~state department of agriculture and land stewardship~~ and regulations of the federal United States department of agriculture, shall be considered as tuberculosis-free. When any herd meets such requirements, the owner shall be entitled to a certificate from the department of agriculture and land stewardship showing that the herd is a tuberculosis-free accredited herd. Such certificate shall be revoked whenever the herd no longer meets the necessary requirements for an accredited herd, but the herd may be reinstated as an accredited herd upon subsequent compliance with such requirements.

Sec. 30. Section 165.15, Code 2011, is amended to read as follows:

165.15 Accredited veterinarian.

An accredited veterinarian is one who has successfully passed an examination set by the department and the ~~federal~~ United States department of agriculture and may make tuberculin tests of accredited herds of cattle under the uniform methods and rules governing accredited herd work which are approved by the United States department of agriculture.

DIVISION V

ANIMAL HEALTH — BRUCELLOSIS

CONTROL IN SWINE

Sec. 31. Section 163A.6, Code 2011, is amended to read as follows:

163A.6 Exhibition swine.

~~All Iowa~~ Any breeding swine four months of age and over for exhibition within ~~the~~ this state ~~of Iowa~~ shall meet all requirements for exhibition purposes ~~and shall also be accompanied by an official brucellosis test report showing the swine to have been negative to the brucellosis test conducted within sixty days of date of exhibition unless such swine are from validated brucellosis-free herds.~~

Sec. 32. REPEAL. Sections 163A.2, 163A.3, 163A.4, and 163A.11, Code 2011, are repealed.

DIVISION VI

ANIMAL HEALTH — CLASSICAL SWINE FEVER

Sec. 33. Section 159.6, subsection 4, Code 2011, is amended to read as follows:

4. ~~Hog-cholera~~ Classical-swine-fever virus and classical-swine-fever serum, chapter 166.

Sec. 34. Section 163.2, subsection 5, Code Supplement 2011, is amended to read as follows:

5. "*Infectious or contagious disease*" means glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, ~~hog-cholera~~, classical swine fever, tuberculosis, brucellosis, vesicular exanthema, scrapie, rinderpest, avian influenza or Newcastle disease as provided in chapter 165B, pseudorabies as provided in chapter 166D, or any other transmissible, transferable, or communicable disease so designated by the department.

Sec. 35. Section 163.30, subsections 7 and 10, Code Supplement 2011, are amended to read as follows:

7. The department may require issuance of movement permits on certain categories of swine moved, prior to their movement, pursuant to ~~departmental rule~~ rules adopted by the department. The ~~rule~~ rules shall be ~~promulgated~~ adopted when in the judgment of the secretary, such ~~movements~~ movement would otherwise threaten or imperil the eradication of ~~hog-cholera~~ classical swine fever in Iowa.

10. The use of ~~anti-hog-cholera~~ anti-classical-swine-fever serum or antibody concentrate shall be in accordance with rules ~~issued~~ adopted by the department.

Sec. 36. Section 166.1, subsection 1, Code 2011, is amended to read as follows:

1. ~~The words "biological~~ "Biological products" shall include and be deemed to embrace only ~~anti-hog-cholera~~ anti-classical-swine-fever serum and viruses which are either virulent or nonvirulent, alive or dead.

Sec. 37. Section 166.16, unnumbered paragraph 1, Code 2011, is amended to read as follows:

~~No~~ A person shall not sell, distribute, use, or offer to sell, distribute, or use virulent blood or virus from ~~cholera-infected hogs~~ classical-swine-fever-infected swine except for one or more of the following purposes:

Sec. 38. Section 166.16, subsection 4, Code 2011, is amended to read as follows:

4. For the purpose of manufacturing any biological products or for the purpose of producing immune ~~hogs~~ swine to be used in the production of ~~hog-cholera~~ anti-classical-swine-fever serum.

Sec. 39. Section 166.41, Code 2011, is amended to read as follows:

166.41 ~~Hog-cholera~~ Classical-swine-fever vaccine prohibited — emergency.

The sale or use of ~~hog-cholera~~ classical-swine-fever vaccine, except as provided in section 166.16, is prohibited and ~~it~~ a person shall ~~be unlawful to not~~ use such ~~products~~ a product in the this state of Iowa, ~~except that.~~ However, in the case of an emergency as defined in section 166.42, a special permit for the use of vaccines may be issued by the secretary.

Sec. 40. Section 166.42, Code 2011, is amended to read as follows:

166.42 Biological products reserve — use.

1. The secretary may establish a reserve supply of biological products of approved modified live virus ~~hog-cholera~~ classical-swine-fever vaccine and of ~~anti-hog-cholera~~ anti-classical-swine-fever serum or its equivalent in antibody concentrate to be used as directed by the secretary in the event of an emergency resulting from a ~~hog-cholera~~ classical-swine-fever outbreak. Vaccine and serum or antibody concentrate from the reserve supply, if used for such an emergency, shall be made available to swine producers at a price which will not result in a profit. Payment shall be made by the producer to the department and such vaccine shall be administered by a licensed practicing veterinarian. The secretary may cooperate with other states in the accumulation, maintenance and disbursement of such reserve supply of biological products. The secretary, with the advice and written consent of the state veterinarian, and the advice and written consent of the veterinarian-in-charge for Iowa of

the animal and plant health inspection service — veterinary services, United States department of agriculture, shall determine when an emergency resulting from a ~~hog-cholera~~ classical-swine-fever outbreak exists.

2. The secretary is authorized to sell or otherwise dispose of ~~such~~ classical-swine-fever vaccine and serum at such time as the state is declared a ~~hog-cholera-free~~ classical-swine-fever-free state by the United States department of agriculture, or if the potency of such vaccine and serum is in doubt. Money received under provisions of this section shall be paid into the state treasury.

Sec. 41. Section 166B.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 01. "*Classical swine fever*" means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.

Sec. 42. Section 166B.1, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 43. Section 166B.2, Code 2011, is amended to read as follows:

166B.2 General authority.

The department may destroy or require the destruction of any swine which the state veterinarian knows to be, or suspects is, affected with or exposed to ~~hog-cholera~~ classical swine fever, whenever the department finds such destruction to be necessary to prevent or reduce the danger of the spread of ~~hog-cholera~~ classical swine fever. Disposal of condemned swine shall be under the supervision of a regulatory employee. Salvage of apparently healthy marketable swine is permissible as a minimum provision and may be discontinued in favor of total herd disposition with indemnification as necessary and without such salvage in any case or at any time when it is determined by the department and the United States department of agriculture that the procedure would constitute an undue threat to the eradication program. Before being condemned and ordered to be destroyed, a positive diagnosis of ~~hog-cholera~~ classical swine fever affecting the herd must be confirmed by a state or federal laboratory or personnel approved by the department and the United States department of agriculture.

Sec. 44. Section 166B.4, Code 2011, is amended to read as follows:

166B.4 Institution of indemnification.

It is hereby recognized and declared that indemnification

for destruction of swine infected with or exposed to ~~hog cholera~~ classical swine fever is an expression of the public policy of this state but employed only in the final stages of eradication of the disease, or as a means of preventing or minimizing its recurrence. The department ~~of agriculture and land stewardship~~ shall not therefore institute an initial program of indemnification pursuant to the chapter until it is mutually agreed between the ~~state department of agriculture and land stewardship~~ and the United States department of agriculture that such action is necessary in order to carry out the ~~hog cholera~~ classical-swine-fever eradication program.

Sec. 45. Section 166B.5, Code 2011, is amended to read as follows:

166B.5 Cooperation with United States.

The department may cooperate with the United States, or any department, agency or officer thereof, in the control and eradication of ~~hog cholera~~ classical swine fever, including the sharing in payment of indemnities for swine destroyed.

DIVISION VII

ANIMAL HEALTH — DAIRY CATTLE

AFFECTED WITH JOHNE'S DISEASE

Sec. 46. Section 165A.1, subsection 3, Code 2011, is amended to read as follows:

3. "*Infected*" means infected with ~~paratuberculosis~~ Johne's disease as provided in section 165A.3.

Sec. 47. Section 165A.1, subsection 4, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

4. "*Johne's disease*" means a disease caused by the bacterium mycobacterium paratuberculosis, and which is also referred to as paratuberculosis disease.

Sec. 48. Section 165A.3, Code 2011, is amended to read as follows:

165A.3 Determination of infection.

The department shall adopt rules providing methods and procedures to determine whether cattle are infected, which may include detection and analysis of ~~paratuberculosis~~ Johne's disease using techniques approved by the United States department of agriculture.

Sec. 49. Section 165A.4, Code 2011, is amended to read as follows:

165A.4 Infected cattle.

~~The owner of infected cattle shall mark the cattle by~~

~~punching the letter "C" through the right ears of the cattle as required by the department.~~ Cattle infected with Johne's disease shall be accompanied by an owner-shipper statement. A person shall not sell infected cattle other than directly to a slaughtering establishment, or to a concentration point for sale directly to a slaughtering establishment, for immediate slaughter. ~~Cattle marked with a letter "C"~~ infected with Johne's disease that are kept at a concentration point shall be kept separate and apart.

DIVISION VIII

ANIMAL HEALTH — TREATMENT FOR SHEEP

Sec. 50. Section 166A.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. "*Treatment*" includes but is not limited to administering medication.

Sec. 51. Section 166A.4, Code 2011, is amended to read as follows:

166A.4 Dipping Treatment.

All breeding and feeding sheep offered for sale or exchange or otherwise moved or released from any premises, vehicle, or conveyance, shall, within ten days prior to exchange, release, or movement, be ~~dipped~~ treated in an approved ~~dip~~ manner under the supervision of the department or the animal and plant health inspection service of the United States department of agriculture. When sheep are moved within or from a certified scabies-free area in this state, the sheep must be accompanied by a certificate of veterinary inspection as provided in chapter 163. The ~~dipping~~ treatment shall not be required prior to such movement. Sheep may be moved from a premises to an approved facility for the purpose of ~~dipping~~ treatment under such conditions as may be required by the rules of the department or the regulations of the animal and plant health inspection service of the United States department of agriculture. In addition, sheep are not required to be ~~dipped~~ treated if moved to a livestock auction market until after sale. Sheep are not required to be ~~dipped~~ treated if consigned directly for slaughter.

Sec. 52. Section 166A.6, Code 2011, is amended to read as follows:

166A.6 Records kept.

Market operators and dealers in sheep shall use satisfactory ~~dipping facilities~~ treatment, approved by the department ~~and~~. Market operators and dealers shall maintain records which show

the true origin of the sheep including name and address of the seller or consignor, number, date of receipt, date of dipping treatment, and including all certificates, permits, waybills, and bills of lading for each consignment of sheep consigned to and leaving the market or dealer's premises. All records shall be retained for a period of one year and made available upon demand by a representative of the department.

Sec. 53. Section 166A.7, Code 2011, is amended to read as follows:

166A.7 Slaughter without dipping treatment.

Animals may be sold for slaughter without dipping treatment. Sheep when inspected at the market or dealer's premises and found free of scabies or no known exposure thereto, may be sold for slaughter purposes without dipping treatment if consigned directly and immediately on a slaughter affidavit to a slaughtering establishment operating under federal, state or municipal meat inspection service. ~~Such sheep shall be identified with the letter "K" in red branding paint at least four inches high on their back except those consigned to such slaughtering establishment by the original owner.~~

Sec. 54. Section 166A.8, Code 2011, is amended to read as follows:

166A.8 Quarantine of infected sheep.

1. Sheep found to be infected with or exposed to scabies shall be immediately ~~dipped~~ treated, as directed by and under the supervision of the department, at owner's expense. Such sheep shall remain under quarantine until released by the department, except that sheep infected with or exposed to scabies may be moved, without dipping treatment, directly to a slaughter establishment under federal inspection, under permit from the department. No sheep shall be moved into or within the state of Iowa for any purpose except as provided in this chapter and the ~~regulations~~ rules of the department, provided sheep may be moved without dipping treatment between properties owned or rented by the owner of ~~said~~ the sheep, if not moved from a noncertified scabies-free area to a certified scabies-free area.

2. Any person may sell or exchange sheep on the farm between November 1 and April 1 without dipping treatment if accompanied by a certificate from a licensed veterinarian that ~~they the~~ the sheep are free from scabies issued within ten days prior to such sale or exchange until such time as the county is declared

a scabies-free area.

Sec. 55. Section 166A.10, Code 2011, is amended to read as follows:

166A.10 Restraint of movement.

Sheep from noncertified scabies-free areas within this state shall not enter certified scabies-free areas unless they have been ~~dipped~~ treated in an approved ~~dip~~ manner under supervision within ten days preceding movement and satisfactory evidence of ~~dipping~~ treatment accompanies the shipment. However, such sheep may be moved into certified scabies-free areas if consigned directly to a stockyard market, auction market, or slaughter establishment, under federal inspection, provided the sheep are accompanied by a certificate of veterinary inspection stating number, description, consignor, and consignee.

Sec. 56. Section 166A.11, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. ~~Dipped~~ Treated in an approved ~~dip~~ manner within ten days prior to movement.

Sec. 57. REPEAL. Section 166A.5, Code 2011, is repealed.

DIVISION IX

ANIMAL HEALTH — CHRONIC WASTING

DISEASE AFFECTING FARM DEER

Sec. 58. Section 170.1, subsection 1, Code 2011, is amended to read as follows:

1. "*Chronic wasting disease*" means the animal disease afflicting deer, ~~and elk,~~ or moose that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain and that belongs to the group of diseases that is known as transmissible spongiform encephalopathies (TSE).

Sec. 59. Section 170.1, subsection 4, paragraph a, Code 2011, is amended to read as follows:

a. "*Farm deer*" means an animal belonging to the cervidae family and classified as part of the dama species of the dama genus, commonly referred to as fallow deer; part of the elaphus species of the cervus genus, commonly referred to as red deer or elk; part of the virginianus species of the odocoileus genus, commonly referred to as whitetail; part of the hemionus species of the odocoileus genus, commonly referred to as mule deer; ~~or~~ part of the nippon species of the cervus genus, commonly referred to as sika; or part of the alces species of the alces genus, commonly referred to as moose.

DIVISION X

ANIMAL INDUSTRY

Sec. 60. Section 169A.11, Code 2011, is amended to read as follows:

169A.11 Publication of brands list.

The secretary from time to time shall ~~cause to be published in book form~~ publish on the internet a list of all brands on record at the time of the publication. ~~The secretary may supplement the lists from time to time.~~ The publication shall contain a facsimile of all brands recorded and the owner's name and post office address. The records shall be arranged in convenient form for reference. ~~The secretary shall deliver one copy of the brand book and supplements to the sheriff of each county. The books and supplements shall be delivered without cost to the county. The books and supplements shall be public records as provided in chapter 22. The secretary may sell the books and supplements to the general public at the cost of printing and mailing each book.~~

Sec. 61. Section 172A.1, subsection 2, Code 2011, is amended to read as follows:

2. "*Animals*" or "*livestock*" includes cattle, calves, swine, or sheep, goats, turkeys, chickens, or horses.

DIVISION XI

AGRICULTURAL MARKETING — GENERAL

Sec. 62. Section 189.1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

For the purpose of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ unless the context otherwise requires:

Sec. 63. Section 189.1, subsections 1, 4, and 6, Code 2011, are amended to read as follows:

1. "*Article*" ~~includes~~ means food, commercial feed, agricultural seed, commercial fertilizer, drug, ~~insecticide, fungicide,~~ pesticide, and paint, ~~linseed oil, turpentine, and illuminating oil,~~ in the sense in which they are defined in the various provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

4. "*Package*" or "*container*", unless otherwise defined, includes wrapper, box, carton, case, basket, ~~hamper,~~ can, bottle, jar, tube, cask, vessel, tub, ~~firkin,~~ keg, jug, barrel, tank, tank car, and other receptacles of a like nature; and the expression "*offered or exposed for sale or sold in package or wrapped form*" means the offering or exposing for sale, or selling of an article which is contained in a package or

container as defined in this section.

6. "Person" includes a corporation, company, firm, society, or association; and the act, omission, or conduct of any officer, agent, or other person acting in a representative capacity shall be imputed to the organization or person represented, and the person acting in that capacity shall also be liable for violations of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

Sec. 64. Section 189.2, Code 2011, is amended to read as follows:

189.2 Duties.

The department shall do all of the following:

1. Execute and enforce this subtitle, ~~except chapter 205.~~

2. ~~Make and publish~~ Adopt all necessary rules, not inconsistent with law, for enforcing the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

3. Provide educational measures and exhibits, and conduct educational campaigns as are deemed advisable in fostering and promoting the production and sale of the articles dealt with in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ in accordance with the rules adopted pursuant to this subtitle.

4. Issue from time to time, bulletins showing the results of inspections, analyses, and prosecutions under this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~ These bulletins shall be ~~printed in such numbers as may be approved by the director of the department of administrative services and shall be distributed to the newspapers of the state and to all interested persons~~ posted on the department's internet site.

Sec. 65. Section 189.3, Code 2011, is amended to read as follows:

189.3 Procuring samples.

The department shall, for the purpose of examination or analysis, procure from time to time, or whenever the department has occasion to believe any of the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ are being violated, samples of the articles dealt with in these provisions which have been shipped into this state, offered or exposed for sale, or sold in the state.

Sec. 66. Section 189.4, Code 2011, is amended to read as follows:

189.4 Access to factories and buildings.

The department shall have full access to all places, factories, buildings, stands, or premises, and to all wagons, auto trucks, vehicles, or cars used in the preparation, production, distribution, transportation, offering or exposing for sale, or sale of any article dealt with in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

Sec. 67. Section 189.5, Code 2011, is amended to read as follows:

189.5 Dealer to furnish samples.

Upon request and tender of the selling price by the department any person who prepares, manufactures, offers or exposes for sale, or delivers to a purchaser any article dealt with in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ shall furnish, within business hours, a sample of the same, sufficient in quantity for a proper analysis or examination as shall be provided by the rules of the department.

Sec. 68. Section 189.6, Code 2011, is amended to read as follows:

189.6 Taking of samples.

The department may, without the consent of the owner, examine or open any package containing, or believed to contain, any article or product which it suspects may be prepared, manufactured, offered, or exposed for sale, sold, or held in possession in violation of the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ in order to secure a sample for analysis or examination, and the sample and damage to container shall be paid for at the current market price out of the contingent fund of the department.

Sec. 69. Section 189.7, Code 2011, is amended to read as follows:

189.7 Preservation of sample.

After the sample is taken, it shall be carefully sealed ~~with the seal of the department~~ and labeled with the name or brand of the article, the name of the party from whose stock it was taken, and the date and place of taking such sample. Upon request a duplicate sample, sealed and labeled in the same manner, shall be delivered to the person from whose stock the sample was taken. The label and duplicate shall be signed by the person taking the same. The method of taking samples of particular articles may be prescribed by the rules of the department.

Sec. 70. Section 189.8, Code 2011, is amended to read as follows:

189.8 Witnesses.

In the enforcement of the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ the department shall have power to issue subpoenas for witnesses, enforce their attendance, and examine them under oath. The witnesses shall be allowed the same fees as witnesses in district court. The fees shall be paid out of the contingent fund of the department.

Sec. 71. Section 189.9, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

All articles in package or wrapped form which are required by this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ to be labeled, unless otherwise provided, shall be conspicuously marked in the English language in legible letters ~~of not less than eight point heavy gothic caps~~ on the principal label with the following items:

Sec. 72. Section 189.11, Code 2011, is amended to read as follows:

189.11 Labeling of mixtures — federal requirements.

1. In addition to the requirements of section 189.9, unless otherwise provided, articles which are mixtures, compounds, combinations, blends, or imitations shall be marked as such and immediately followed, without any intervening matter and in the same size and style of type, by the names of all the ingredients contained therein, beginning with the one present in the largest proportion.

2. Notwithstanding any other requirements of this chapter or of chapter 190, ~~foods and~~ food or food products, or pesticides, labeled in conformance with the labeling requirements of the government of the United States shall be deemed to be labeled in conformance with the laws of the state of Iowa.

Sec. 73. Section 189.13, Code 2011, is amended to read as follows:

189.13 False labels — defacement.

A person shall not use any label required by this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ which bears any representations of any kind which are deceptive as to the true character of the article or the place of its production, or which has been carelessly printed or marked, nor shall any

person erase or deface any label required by this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

Sec. 74. Section 189.14, subsection 1, Code 2011, is amended to read as follows:

1. A person shall not knowingly introduce into this state, solicit orders for, deliver, transport, or have in possession with intent to sell, any article which is labeled in any other manner than that prescribed by this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ for the label of the article when offered or exposed for sale, or sold in package or wrapped form in this state.

Sec. 75. Section 189.15, Code 2011, is amended to read as follows:

189.15 Adulterated articles.

A person shall not knowingly manufacture, introduce into the state, solicit orders for, sell, deliver, transport, have in possession with the intent to sell, or offer or expose for sale, any article which is adulterated according to the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208.~~

Sec. 76. Section 189.19, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The following provisions apply to all licenses issued or authorized under this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208:~~

Sec. 77. Section 189.19, subsection 2, Code 2011, is amended to read as follows:

2. *Refusal and revocation.* For good and sufficient grounds the department may refuse to grant a license to any applicant; and ~~it~~ the department may revoke a license for a violation of any provision of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ or for the refusal or failure of any licensee to obey the lawful directions of the department.

Sec. 78. Section 189.20, Code 2011, is amended to read as follows:

189.20 Injunction.

Any person engaging in any business for which a license is required by this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ without obtaining such license, may be restrained by injunction, and shall pay all costs made necessary by such procedure.

Sec. 79. Section 189.21, Code 2011, is amended to read as follows:

189.21 Penalty.

Unless otherwise provided, any person violating any provision of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ or any rule adopted by the department pursuant to such a provision, is guilty of a simple misdemeanor.

Sec. 80. Section 189.23, Code 2011, is amended to read as follows:

189.23 Common carrier.

The penalties provided in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ shall not be imposed upon any common carrier for introducing into the state, or having in its possession, any article which is adulterated or improperly labeled according to the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ when the same was received by the carrier for transportation in the ordinary course of its business and without actual knowledge of its true character.

Sec. 81. Section 189.24, Code 2011, is amended to read as follows:

189.24 Report of violations.

When it appears that any of the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ have been violated, the department ~~shall at once~~ may certify the facts to the proper county attorney. The certification shall be accompanied with a copy of the results of any analysis, examination, or inspection the department may have made, duly authenticated by the proper person under oath, and with any additional evidence which may be in possession of the department.

Sec. 82. Section 189.28, Code 2011, is amended to read as follows:

189.28 Goods for sale in other states.

Any person may keep articles specifically set apart in the person's stock for sale in other states which do not comply with the provisions of this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ as to standards, purity, or labeling.

Sec. 83. Section 189.29, Code 2011, is amended to read as follows:

189.29 Reports by dealers.

Every person who deals in or manufactures any of the articles dealt with in this subtitle, ~~excluding chapters 203, 203C, 203D, 207, and 208,~~ shall make upon blanks furnished by the

department such reports and furnish such statistics as may be required by the department and certify to the correctness of the same.

Sec. 84. CODE EDITOR DIRECTIVE. The Iowa Code editor shall eliminate footnotes in Code chapter 189 which refer to the movement of chapters 203, 203C, 203D, 207, and 208 to title V, subtitle 4.

DIVISION XII

AGRICULTURAL MARKETING — GRAIN DEALER REGULATION

Sec. 85. Section 203.1, subsection 9, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

9. "*Grain*" means any grain for which the United States department of agriculture has established standards pursuant to the United States Grain Standards Act, 7 U.S.C. ch. 3.

Sec. 86. Section 203.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "*United States Warehouse Act*" means the United States Warehouse Act, 7 U.S.C. ch. 10.

Sec. 87. Section 203.2A, Code 2011, is amended to read as follows:

203.2A ~~Notice requirement for grain~~ Grain purchasers who are not licensed grain dealers — special notice requirements.

1. A This section applies to a person shall not purchase who is not required to be issued a license as a grain dealer pursuant to section 203.3. The person shall not purchase grain from a producer for purposes of resale, milling, feeding, or processing, unless one of the following applies:.

1. 2. The person is a grain dealer licensed pursuant to section 203.3. Subsection 1 does not apply to any of the following:

2. a. The A person has purchased who purchases less than fifty thousand bushels of grain from all producers in the twelve months prior to purchasing grain from the producer.

3.—a. b. The A person provides who provides notice to the producer as provided in subsection 3.

3. a. The notice shall must be in the following form:

ATTENTION TO PRODUCERS:

THE PERSON PURCHASING THIS GRAIN IS NOT A LICENSED GRAIN DEALER AND THIS IS NOT A COVERED TRANSACTION ELIGIBLE FOR INDEMNIFICATION FROM THE GRAIN DEPOSITORS AND SELLERS INDEMNITY FUND AS PROVIDED IN IOWA CODE SECTION 203D.3

Attention to Producers:

The person purchasing this grain is not a licensed grain dealer and this is not a covered transaction eligible for indemnification from the grain dealers and sellers indemnity fund as provided in Iowa Code section 203D.3

b. The notice ~~shall~~ must be provided to the producer prior to or at the time of the purchase. The notice may appear on a separate statement or as part of a document received by the producer, including a contract or receipt, as required by the department.

c. ~~The form of the notice shall be prescribed by the department.~~ The notice ~~shall~~ must appear in a printed boldface font in at least ten point type.

Sec. 88. Section 203.5, subsection 7, Code 2011, is amended to read as follows:

7. ~~If~~ The department may deny a license to an applicant, if the applicant has had a license issued under this chapter or chapter 203C revoked for cause within the past three years, or the applicant has been convicted of a felony involving violations a violation of this chapter or chapter 203C, or is the applicant is owned or controlled by a person who has had a license so revoked or who has been so convicted, the department may deny a license to the applicant.

Sec. 89. Section 203.9, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department may suspend or revoke the license of a grain dealer for failing to consent to a departmental inspection or cooperate with the department during an inspection as provided in this chapter.

Sec. 90. Section 203.10, Code 2011, is amended to read as follows:

203.10 ~~Suspension or revocation of~~ Action affecting a license.

1. The cessation of a grain dealer's license occurs from any of the following:

a. The revocation of the license by the department as provided in subsection 2.

b. The cancellation of the license as provided in section 203.5.

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

2. The department may issue an order to suspend or revoke

the license of a grain dealer who violates a provision of this chapter, including a rule adopted ~~under~~ in accordance with this chapter, ~~as provided in pursuant to~~ chapter 17A. ~~If a grain dealer fails to consent to a departmental inspection or cooperate with the department during an inspection as provided in section 203.9, the department may issue an order to immediately suspend or revoke the grain dealer's license pursuant to section 17A.18.~~

Sec. 91. Section 203.12, Code 2011, is amended to read as follows:

203.12 Claims — cessation of a license and notice of license revocation.

1. Upon revocation, termination, or the cessation of a grain dealer license by revocation, cancellation, of a grain dealer license or expiration, any claim for the purchase price of grain against the grain dealer shall be made in writing and filed with the grain dealer and with the issuer of a deficiency bond or of an irrevocable letter of credit and with the department within one hundred twenty days after ~~revocation, termination, or cancellation~~ the date of the cessation. ~~Failure~~ A failure to make this timely claim relieves the issuer and the grain depositors and sellers indemnity fund provided in chapter 203D of all obligations to the claimant.

2. Upon the revocation of a grain dealer license, the department shall cause notice of the revocation to be published once each week for two consecutive weeks in a newspaper of general circulation within the state of Iowa and in a newspaper of general circulation within the county of the grain dealer's principal place of business when that dealer's principal place of business is located in the state of Iowa. The notice shall state the name and address of the grain dealer and the effective date of revocation. The notice shall also state that any claims against the grain dealer shall be made in writing and sent by ordinary mail or delivered personally within one hundred twenty days after revocation to the grain dealer, to the issuer of a deficiency bond or of an irrevocable letter of credit, and to the department, and the notice shall state that the failure to make a timely claim does not relieve the grain dealer from liability to the claimant.

Sec. 92. Section 203.12A, subsection 5, Code 2011, is amended to read as follows:

5. The Iowa grain indemnity fund board, ~~shall~~ upon written demand of the grain dealer, shall file a termination statement

with the secretary of state, if ~~the license of the grain dealer is not revoked, terminated, or canceled~~ after one hundred eighty days from the date that the lien is perfected the grain dealer's license has not ceased by revocation, cancellation, or expiration. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the grain dealer.

Sec. 93. Section 203.12B, subsection 7, paragraph c, Code 2011, is amended to read as follows:

c. Not have had a grain dealer's license issued pursuant to section 203.3 suspended or revoked as provided in section 203.10.

Sec. 94. Section 203.15, subsection 3, Code 2011, is amended to read as follows:

3. Title to all grain sold by a credit-sale contract is in the purchasing grain dealer as of the time the contract is executed, unless the contract provides otherwise. The contract must be signed and dated by both parties and executed in duplicate. One copy shall be retained by the grain dealer and one copy shall be delivered to the seller. Upon ~~revocation, termination, or cancellation~~ the cessation of the grain dealer's license by revocation, cancellation, or expiration, the payment date for all credit-sale contracts shall be advanced to a date not later than thirty days after the effective date of the ~~revocation, termination, or cancellation~~ cessation, and the purchase price for all unpriced grain shall be determined as of the effective date of ~~revocation, termination, or cancellation~~ the cessation in accordance with all other provisions of the contract. However, if the business of the grain dealer is sold to another licensed grain dealer, credit-sale contracts may be assigned to the purchaser of the business.

Sec. 95. Section 203.15, subsection 4, paragraph b, Code 2011, is amended to read as follows:

b. A grain dealer who is also a warehouse operator licensed by the department under chapter 203C or the United States department of agriculture under the United States Warehouse Act, ~~7 U.S.C. § 241 et seq.~~, and who does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture shall not purchase grain on credit-sale contract to correct the shortage of grain.

Sec. 96. Section 203.15, subsection 4, paragraph c, subparagraph (2), subparagraph division (c), Code 2011, is amended to read as follows:

(c) If an adequate replacement bond is not received by the department within sixty days of the issuance of the notice of cancellation, the department shall ~~automatically~~ suspend the grain dealer's license. The department shall cause an inspection of the licensed grain dealer immediately at the end of the sixty-day period. If a replacement bond is not filed within another thirty days following the suspension, the department shall revoke the grain dealer's license ~~shall be automatically revoked~~.

Sec. 97. Section 203.15, subsection 5, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department may ~~adopt rules to~~ suspend the right of a grain dealer to purchase grain by credit-sale contract based on any of the following conditions:

Sec. 98. Section 203.15, subsection 5, paragraphs a and b, Code 2011, are amended to read as follows:

a. The grain dealer who is also a warehouse operator licensed by the department under chapter 203C or the United States department of agriculture under the United States Warehouse Act, ~~7 U.S.C. § 241 et seq.~~, does not have a sufficient quantity or quality of grain to satisfy the warehouse operator's obligations based on an examination by the department or the United States department of agriculture.

b. The grain dealer who is also a warehouse operator licensed by the department under chapter 203C or the United States department of agriculture under the United States Warehouse Act, ~~7 U.S.C. § 241 et seq.~~, issues back to the grain dealer a warehouse receipt for purposes of providing collateral, if the grain which is the subject of the warehouse receipt was purchased on credit and is unpaid for by the grain dealer.

DIVISION XIII

AGRICULTURAL MARKETING — WAREHOUSE OPERATOR REGULATION

Sec. 99. Section 203C.1, subsection 11, Code 2011, is amended by striking the subsection and inserting in lieu thereof the following:

11. "*Grain*" means the same as defined in section 203.1.

Sec. 100. Section 203C.1, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 25A. "*United States Warehouse Act*" means

the same as defined in section 203.1.

Sec. 101. Section 203C.1, subsection 26, Code 2011, is amended to read as follows:

26. *"Unlicensed warehouse operator"* means a warehouse operator who retains grain in the warehouse not to exceed thirty days and is not licensed under the provisions of this chapter or ~~Tit. VII, U.S.C.~~ the United States Warehouse Act.

Sec. 102. Section 203C.6, subsection 7, Code 2011, is amended to read as follows:

7. ~~If The department may deny a license to an applicant, if the applicant has had a license issued under chapter 203 or this chapter revoked for cause within the past three years, or the applicant has been convicted of a felony involving violations of chapter 203 or this chapter, or the applicant is owned or controlled by a person who has had a license so revoked or who has been so convicted, the department may deny a license to the applicant.~~

Sec. 103. Section 203C.10, Code 2011, is amended to read as follows:

203C.10 ~~Suspension or revocation of~~ Action affecting a license.

1. The cessation of a warehouse operator's license occurs from any of the following:

a. The revocation of the license by the department as provided in subsection 2.

b. The cancellation of the license as provided in section 203C.37.

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

2. The department may issue an order to suspend or revoke the license of a warehouse operator who violates a provision of this chapter, including a rule adopted under in accordance with this chapter, as provided in pursuant to chapter 17A.

3. If The department may suspend or revoke the license of a warehouse operator fails for failing to consent to a departmental inspection during an inspection as provided in section 203C.2, the department may issue an order to immediately suspend or revoke the grain dealer's license pursuant to section 17A.18 or cooperate with the department during an inspection as provided by this chapter.

Sec. 104. Section 203C.11, subsection 1, Code 2011, is

amended by striking the subsection and inserting in lieu thereof the following:

1. The department shall proceed under section 203C.15 if it has cause to believe that a licensed warehouse operator does not provide for and carry an insurance policy as required in that section.

Sec. 105. Section 203C.12A, subsection 5, Code 2011, is amended to read as follows:

5. The Iowa grain indemnity fund board shall upon written demand of the warehouse operator file a termination statement with the secretary of state, ~~if the license of the warehouse operator is not revoked, terminated, or canceled~~ after one hundred eighty days from the date that the lien is perfected the warehouse operator's license has not ceased by revocation, cancellation, or expiration. Upon filing the termination statement, the lien becomes unperfected. The board shall also deliver a copy of the termination statement to the warehouse operator.

Sec. 106. Section 203C.13, subsection 3, Code 2011, is amended to read as follows:

3. A bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain shall not be canceled by the issuer on less than one hundred twenty days' notice by certified mail to the department and the principal. When the department receives notice from an issuer that it has canceled the bond, deficiency bond, or irrevocable letter of credit on agricultural products other than bulk grain of a warehouse operator, the department shall ~~automatically~~ suspend the warehouse operator's authorization to store or accept for storage agricultural products other than bulk grain if a new bond, deficiency bond, or irrevocable letter of credit is not received by the department within sixty days of the issuance of the notice of cancellation. The department shall conduct an inspection of the licensee's warehouse immediately at the end of the sixty-day period. If a new bond, deficiency bond, or irrevocable letter of credit is not provided within ninety days of the issuance of the notice of cancellation, the department shall revoke the warehouse operator's authorization to store or accept for storage agricultural products other than bulk grain. The department shall conduct a further inspection of the licensee's warehouse after the ninety-day period. When an authorization to store or accept for storage agricultural products other than bulk grain is revoked, the department

shall give notice of the revocation to all known persons who have agricultural products other than bulk grain in storage, and shall notify them that the agricultural products other than bulk grain must be removed from the warehouse not later than one hundred twenty days after the issuance of the notice of cancellation. The revocation notice shall be sent by ordinary mail to the last known address of each person having agricultural products other than bulk grain in storage. The department shall cause a final inspection of the licensee's warehouse after the end of the one hundred twenty-day period.

Sec. 107. Section 203C.14, Code 2011, is amended to read as follows:

203C.14 Suit — claims — notice of revocation.

1. A person injured by the breach of an obligation of a warehouse operator, for the performance of which a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit has been given under any of the provisions of this chapter, may sue on the bond on agricultural products other than bulk grain, deficiency bond, or irrevocable letter of credit in the person's own name in a court of competent jurisdiction to recover any damages the person has sustained by reason of the breach.

2. ~~Upon revocation, termination, or cancellation of a warehouse license, a~~ the cessation of a warehouse operator's license due to revocation, cancellation, or expiration, a claim against the warehouse operator arising under this chapter shall be made in writing with the warehouse operator, with the issuer of a bond on agricultural products other than bulk grain, a deficiency bond, or an irrevocable letter of credit, and, if the claim relates to bulk grain, with the department. The claim must be made within one hundred twenty days after ~~revocation, termination, or cancellation~~ the cessation of the license. ~~Failure~~ The failure to make a timely claim relieves the issuer and, if the claim relates to bulk grain, the grain depositors and sellers indemnity fund provided in chapter 203D of all obligations to the claimant.

3. Upon revocation of a warehouse license, the department shall cause notice of the revocation to be published once each week for two consecutive weeks in a newspaper of general circulation in each of the counties in which the licensee maintains a business location and in a newspaper of general circulation within the state. The notice shall state the name and address of the warehouse operator and the effective date

of revocation. The notice shall also state that any claims against the warehouse operator shall be made in writing and sent by ordinary mail to the warehouse operator, to the issuer of a bond on agricultural products other than bulk grain, deficiency bond, or an irrevocable letter of credit, and to the department within one hundred twenty days after revocation, and the notice shall state that the failure to make a timely claim does not relieve the warehouse operator from liability to the claimant. This paragraph does not apply if a receiver is appointed as provided in this chapter pursuant to a petition which is filed by the department prior to the expiration of one hundred twenty days after revocation, termination, or cancellation of the license.

Sec. 108. Section 203C.15, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

All A warehouse operator shall maintain insurance coverage as provided in this section. In order to maintain insurance coverage, all agricultural products in storage in a licensed warehouse and all agricultural products which have been deposited temporarily in a licensed warehouse pending storage or for purposes other than storage, shall be kept fully insured by the warehouse operator as provided in this section for the current value of the agricultural products against loss by fire, inherent explosion, ~~or~~ windstorm, or any other similar catastrophe designated by rules which may be adopted by the department.

Sec. 109. Section 203C.15, subsection 1, paragraphs a and b, Code 2011, are amended by striking the paragraphs.

Sec. 110. Section 203C.15, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. The insurance coverage required in subsection 1 shall be carried by one or more insurance companies. Such an insurance company must be all of the following:

a. Organized or operating under the laws of this state or authorized by the laws of this state to do business in this state.

b. An insurer of agricultural products in this state as provided in subsection 1.

NEW SUBSECTION. 1B. Insurance coverage may be terminated by its expiration without renewal, or canceled by the insurance company on its own volition or as a result of an action or inaction by the insured licensed warehouse operator.

NEW SUBSECTION. 1C. A licensed warehouse operator shall be responsible for providing the department with all of the following:

a. Evidence of insurance coverage as required in subsection 1A that is an insurance policy or other document approved by the department which evidences property and casualty insurance.

b. Proof of insurance which verifies that evidence of insurance coverage submitted by a licensed warehouse operator complies with subsection 1.

NEW SUBSECTION. 1D. A warehouse operator must submit evidence of insurance coverage with the department as required by the department. The department must approve the evidence of insurance coverage before the department files it. A warehouse operator shall not be issued a license or retain a license unless evidence of insurance coverage is on file with the department.

NEW SUBSECTION. 1E. The department may demand proof of insurance coverage by the licensed warehouse operator, regardless of whether the department has previously approved proof of insurance or approved or filed evidence of insurance coverage. The demand must be in writing and must explain the department's enforcement action resulting from the warehouse operator's noncompliance.

a. The licensed warehouse operator may comply to the demand by doing any of the following:

(1) Assuring the department that existing evidence of insurance coverage filed with the department complies with the requirements of this section.

(2) Obtaining additional or new insurance coverage. The licensed warehouse operator must submit and the department must approve and file the supplemental or new evidence of insurance coverage necessary to comply with the requirements of this section.

b. If the licensed warehouse operator fails to comply with the requirements of the demand letter as set out in paragraph "a", the department shall take enforcement action as follows:

(1) Thirty days after delivering the demand letter to the licensed warehouse operator, the department shall suspend the warehouse license.

(2) Forty days after delivering the demand letter to the licensed warehouse operator, the department shall revoke the warehouse license.

c. The department may inspect a licensed warehouse at any

time.

d. The department shall terminate an enforcement action as provided in paragraph "b", if the licensed warehouse operator submits any proof of insurance or supplemental or new evidence of insurance which the department approves. However, this paragraph "d" applies only if the licensed warehouse operator submits the proof of insurance or evidence of insurance prior to the effective date of the revocation.

NEW SUBSECTION. 1F. An insurance company shall not cancel insurance coverage unless any of the following applies:

a. The insurance company provides the department and the licensed warehouse operator with at least ninety days' notice of cancellation by mail.

b. The insurance coverage is renewed or replaced by the licensed warehouse operator, and the department has approved and filed the evidence of insurance coverage at the time that the department would have received the mailed notice of cancellation.

NEW SUBSECTION. 1G. The department shall take enforcement action against a licensed warehouse whose insurance coverage has been terminated by cancellation or expiration.

a. The department shall suspend the warehouse license. The suspension shall take effect on the date that the insurance coverage terminates. However, the department shall terminate the suspension if the licensed warehouse operator submits proof of insurance or any renewed or new evidence of insurance coverage to the department. In addition, all of the following requirements apply:

(1) The department must receive the proof of insurance or evidence of insurance coverage within ten days after the effective date of the suspension.

(2) The department must approve the proof of insurance or evidence of insurance coverage.

b. The department shall revoke the warehouse license. The revocation shall take effect eleven days after the effective date of the suspension, unless the suspension is terminated as provided in paragraph "a".

Sec. 111. Section 203C.16, subsection 1, Code 2011, is amended to read as follows:

1. The acceptance and storage of bulk grain by a person bonded and licensed under the ~~provisions of a federal law, to the extent that the person is authorized under federal law to accept and store bulk grain~~ United States Warehouse Act.

~~However, the person shall comply with all other provisions of this chapter which do not conflict with such federal law.~~

Sec. 112. Section 203C.17, subsection 8, paragraphs a and c, Code 2011, are amended to read as follows:

a. ~~Every~~ At least once each year, a licensed warehouse operator shall, ~~on or before July 1 of each year,~~ send a statement ~~for~~ to each holder of a warehouse receipt covering grain ~~held stored at the licensed warehouse operator's licensed warehouse~~ stored at the licensed warehouse operator's licensed warehouse for more than one year ~~at that warehouse to.~~ The statement shall be delivered in person or mailed to the holder's last known address. The statement shall show the amount of all grain ~~held stored~~ stored pursuant to a warehouse receipt for such warehouse receipt holder and the amount of any storage charges held by the licensed warehouse operator against that grain. ~~However, a licensed warehouse operator need not prepare this annual statement for a holder of a warehouse receipt, if the licensed warehouse operator prepares such statements monthly, quarterly or for any other period more frequent than annually.~~

c. ~~Violation~~ A violation of this section shall not constitute grounds for the suspension, or revocation, ~~or~~ modification of the a warehouse operator's license of anyone licensed under this chapter.

Sec. 113. Section 203C.18, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. A statement that the receipt is issued subject to ~~the Iowa warehouse Act and the rules and regulations prescribed pursuant to~~ this chapter.

Sec. 114. Section 203C.18, subsection 3, Code 2011, is amended to read as follows:

3. ~~Forms~~ A form for a warehouse receipts receipt shall only be printed by a person approved by the department. A form for a warehouse receipt shall be printed in accordance with specifications set forth by the department. ~~A form~~ warehouse operator shall surrender to the department all forms for a warehouse receipt receipts that is are unused at the time that a the warehouse operator's license is canceled, suspended, revoked, or terminated shall be surrendered to the department or ceases due to revocation, cancellation, or expiration. The warehouse operator shall surrender the warehouse receipts in a manner required by the department.

Sec. 115. Section 203C.30, Code 2011, is amended to read as follows:

203C.30 Inspecting and grading.

Grain, ~~flaxseed~~, or any other fungible agricultural product stored in a warehouse licensed under this chapter for which no separate compartment is provided, and its identity preserved, shall be inspected and graded.

Sec. 116. Section 203C.39, Code 2011, is amended to read as follows:

203C.39 Grain stored in another warehouse.

A licensed warehouse operator may store grain in ~~any other an~~ alternative warehouse located in Iowa ~~licensed in accordance with section 203C.6 or the United States Warehouse Act, 7 U.S.C. ch. 10, subject to the following conditions:~~ or another state as provided in this section.

1. a. The alternative warehouse located in Iowa must be another licensed warehouse or a warehouse licensed pursuant to the United States Warehouse Act.

b. The alternative warehouse located in another state must be licensed pursuant to the applicable laws of the state in which the alternative warehouse is located or the United States Warehouse Act. A warehouse operator shall not store grain in an alternative warehouse located in another state, unless approved in writing by the department in a manner required by the department.

2. In storing grain in an alternative warehouse under subsection 1, all of the following requirements apply:

a. The warehouse operator must obtain from such warehouse operator a nonnegotiable warehouse receipt and such receipt must show clearly the following notation:

~~"Held~~ Held in trust for depositors ~~of~~ of (name of original receiving warehouse).

~~2. b.~~ When the licensed warehouse operator begins to use the additional facilities described in this section alternative warehouse, the licensed warehouse operator must have sufficient net worth under section 203C.6 or provide a deficiency bond or an irrevocable letter of credit to cover the increase in the licensed warehouse operator's gross capacity.

3. A licensed warehouse operator may transfer grain for storage to another licensed warehouse operator while the warehouse operator receiving such grain has grain stored elsewhere under the provisions of this section.

Sec. 117. REPEAL. Section 203C.27, Code 2011, is repealed.

AGRICULTURAL MARKETING — GRAIN DEPOSITORS AND SELLERS
INDEMNITY FUND

Sec. 118. Section 203D.1, subsection 7, Code Supplement 2011, is amended by striking the subsection and inserting in lieu thereof the following:

7. "*Grain*" means the same as defined in section 203.1.

Sec. 119. Section 203D.6, subsection 2, paragraph a, subparagraph (1), Code 2011, is amended to read as follows:

(1) The ~~revocation, termination, or cancellation~~ cessation of the license of the grain dealer as described in section 203.10 or warehouse operator as described in section 203C.10.

DIVISION XV

PESTICIDE REGULATION — CERTIFICATION

Sec. 120. Section 206.2, subsection 25, Code 2011, is amended to read as follows:

25. a. "*Public applicator*" means an individual who applies pesticides as an employee of a state agency, county, municipal corporation, or other governmental agency.

b. ~~This term~~ "*Public applicator*" does not include ~~employees~~ an employee who ~~work~~ works only under the direct supervision of a public applicator.

Sec. 121. Section 206.5, subsection 2, paragraph a, Code 2011, is amended to read as follows:

a. A commercial applicator shall ~~choose between a one-year certification for which the applicator shall pay a thirty dollar fee or a three-year certification for which the applicator shall pay a seventy-five dollar fee~~ for a three-year certification. A ~~public applicator shall choose between a one-year certification for which the applicator shall pay a ten dollar fee or a three-year certification for which the applicator shall pay a fifteen dollar fee.~~ public applicator or a private applicator shall pay a fifteen dollar fee for a three-year certification.

Sec. 122. Section 206.5, subsection 7, paragraph b, unnumbered paragraph 1, Code 2011, is amended to read as follows:

The department shall adopt rules providing for the program requirements which ~~shall at least~~ may include the safe handling, application, and storage of pesticides, the correct calibration of equipment used for the application of pesticides, and the effects of pesticides upon the groundwater.

Sec. 123. Section 206.5, subsection 7, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 124. Section 206.6, subsection 5, paragraph c, Code 2011, is amended to read as follows:

c. The secretary shall issue a commercial applicator license limited to the classifications for which the applicant is qualified, which shall expire ~~at the end of the calendar year of issue~~ as provided in section 206.5, unless it has been revoked or suspended by the secretary for cause. The secretary may limit the license of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons.

Sec. 125. APPLICABILITY — CURRENT CERTIFICATIONS. Notwithstanding section 206.5, as amended in this division of this Act, a certification issued to a commercial applicator or a public applicator prior to the effective date of this division of this Act shall expire according to section 206.5, Code 2011, as that section existed immediately prior to the effective date of this division of this Act.

DIVISION XVI

PESTICIDE REGULATION — LICENSURE

Sec. 126. Section 206.6, subsection 5, paragraph a, subparagraph (3), Code 2011, is amended to read as follows:

(3) An applicant applying for a license to engage in aerial application of pesticides must ~~meet all of~~ demonstrate compliance with the requirements of the federal aviation administration, the United States department of transportation, and any other applicable federal or state laws or regulations to operate the equipment described in the application.

Sec. 127. Section 206.8, subsection 2, unnumbered paragraph 1, Code 2011, is amended to read as follows:

A The annual license fee for a pesticide dealer shall pay is due and payable by June 30 of each year to the department ~~an~~. The annual license fee is based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

Sec. 128. Section 206.10, Code 2011, is amended to read as follows:

206.10 License renewals — delinquent fee.

1. If the application for renewal of a license provided for in this chapter, ~~other than a pesticide dealer license~~, is not filed prior to the first of January in any year, a delinquent fee of twenty-five percent shall be assessed and added to the

original fee and shall be paid by the applicant before the renewal license is issued. A delinquent fee does not apply if the applicant furnishes an affidavit certifying that the applicant has not applied pesticides after the expiration of the applicant's license. All licenses issued under this chapter expire December 31 each year.

2. ~~However, a~~ Subsection 1 does not apply to any of the following:

a. A license issued to a pesticide dealer that expires as provided in section 206.8.

b. A certificate issued to a certified applicator that expires as provided in section 206.5.

Sec. 129. Section 206.13, Code 2011, is amended to read as follows:

206.13 Evidence of financial responsibility required by commercial applicator.

1. The department shall not issue a commercial applicator's license as required in section 206.6 until the applicant has furnished evidence of financial responsibility with the department. The evidence of financial responsibility shall consist of a surety bond, a liability insurance policy, or an irrevocable letter of credit issued by a financial institution. The department may accept a certification of the evidence of financial responsibility. The evidence of financial responsibility shall pay the amount that the beneficiary is legally obligated to pay as damages caused by the pesticide operations of the applicant. However, the evidence of financial responsibility does not apply to damages or an injury which is expected or intended from the standpoint of the beneficiary. A liability insurance policy shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance. The evidence of financial responsibility need not apply to damages or injury to agricultural crops, plants, or land being worked upon by the applicant.

2. The amount of the evidence of financial responsibility as provided for in this section shall be not less than two hundred fifty thousand dollars for property damage and public liability insurance, each separately. The evidence of financial responsibility shall be maintained at not less than that amount at all times during the licensed period. The department shall be notified ten days prior to any reduction in the surety bond or liability insurance made at the request of

the applicant or cancellation of the surety bond by the surety or the liability insurance by the insurer. The department shall be notified ninety days prior to any reduction of the amount of the irrevocable letter of credit at the request of the applicant or the cancellation of the irrevocable letter of credit by the financial institution. The total and aggregate liability of the surety, insurer, or financial institution for all claims shall be limited to the face of the surety bond, liability insurance policy, or irrevocable letter of credit.

DIVISION XVII

PESTICIDE REGULATION — REGISTRATION

Sec. 130. Section 139A.21, subsection 7, Code 2011, is amended by striking the subsection.

Sec. 131. Section 206.2, subsection 28, Code 2011, is amended to read as follows:

28. "*State restricted use pesticide*" means a pesticide which is restricted for sale, use, or distribution under section ~~455B.491~~ 206.20.

Sec. 132. Section 206.11, subsection 1, paragraph e, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Any pesticide which contains any substance or substances in quantities highly toxic to humans; determined as provided in section ~~206.6~~ 206.12, unless the label shall bear, in addition to any other matter required by this chapter:

Sec. 133. Section 206.12, subsection 1, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* The secretary shall provide for a three-month grace period for registration.

Sec. 134. Section 206.12, subsection 2, paragraph c, Code 2011, is amended by striking the paragraph.

Sec. 135. Section 206.12, subsection 3, Code 2011, is amended by striking the subsection.

Sec. 136. Section 206.21, subsection 2, Code 2011, is amended to read as follows:

2. *a.* ~~For the purpose of carrying out the provisions and the requirements of this chapter and the rules made and notices given pursuant thereto, the~~ The secretary or, including the secretary's authorized agents, inspectors, or employees, may enter into or upon any place during reasonable business hours in order to ~~take~~ do any of the following:

(1) Take periodic random samples for chemical examinations of pesticides and devices ~~and to open.~~

(2) Open any bundle, package or other container containing or believed to contain a pesticide in order to determine whether the pesticide or device complies with the requirements of this chapter.

(3) Monitor the use of or review the pesticide application.

b. Methods of analysis shall be those currently used by the association of official agricultural chemists.

DIVISION XVIII

COAL MINING

Sec. 137. Section 207.2, subsection 10, Code 2011, is amended to read as follows:

10. *"Prime farmland"* ~~has~~ means the same meaning as prescribed by the United States ~~secretary~~ department of agriculture ~~and published in the federal register on January 31, 1978 pursuant to 7 C.F.R. § 567.5(a).~~

DIVISION XIX

WEIGHTS AND MEASURES — GENERAL

Sec. 138. Section 215.1, Code 2011, is amended to read as follows:

215.1 ~~Duty to inspect~~ Inspections.

The department shall regularly inspect all commercial weighing and measuring devices, and when a complaint is made to the department that any false or incorrect weights or measures are being made, the department shall inspect the commercial weighing and measuring devices which caused the complaint. The department may inspect prepackaged goods to determine the accuracy of their recorded weights.

Sec. 139. Section 215.4, Code 2011, is amended to read as follows:

215.4 Tag for inaccurate or incorrect device — reinspection — fee.

A commercial weighing and measuring device found to be inaccurate or incorrect upon inspection by the department shall be rejected or tagged "condemned until repaired" and the "licensed for commercial use" inspection sticker shall be removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate or correct, the license fee shall not be charged for the reinspection. However, a second license fee shall be charged if upon reinspection the device is found to be inaccurate. The device shall be tagged "condemned" and removed from service if a third reinspection fails.

Sec. 140. Section 215.7, Code 2011, is amended to read as

follows:

215.7 Transactions by false weights or measures.

~~Any~~ A person shall be deemed to have violated the provisions of this chapter and shall be punished as provided in chapter 189, if any of the following apply:

1. ~~If such~~ The person sell sells, trade trades, deliver delivers, charge charges for or ~~claim~~ claims to have delivered to a purchaser an amount of any commodity which is less in weight or measure than that which is asked for, agreed upon, claimed to have been delivered, or noted on the delivery ticket.

2. ~~If such~~ The person make makes a settlement for or ~~enter~~ enters credit, based upon any false weight or measurement, for any commodity purchased.

3. ~~If such~~ The person make makes a settlement for or ~~enter~~ enters a credit, based upon any false weight or measurement, for any labor where the price of producing or mining is determined by weight or measure.

4. ~~If such~~ The person record records a false weight or measurement upon the weight ticket or book.

Sec. 141. Section 215.9, Code 2011, is amended to read as follows:

215.9 Power of ~~cities~~ political subdivision limited.

~~Commodities~~ A commodity weighed upon any scale bearing ~~the inspection card, a sticker~~ issued by the department, shall not be required to be reweighed as required by ~~any~~ ordinance of any political subdivision including but not limited to a city, nor shall ~~their~~ a commodity's sale, at the weights so ascertained, and because thereof, be, by such ordinance, prohibited or restricted.

Sec. 142. Section 215.14, subsection 3, Code 2011, is amended to read as follows:

3. ~~After~~ Before approval by the department, the specifications for a commercial weighing and measuring device shall be furnished to the purchaser of the device by the manufacturer. The approval shall be based upon the recommendation of the United States national institute of standards and technology.

Sec. 143. Section 215.26, subsection 1, Code 2011, is amended to read as follows:

1. *"Commercial weighing and measuring device"* means a weight or measure or weighing or measuring device used to establish size, quantity, area or other quantitative measurement of a

commodity sold by weight or measurement, or where the price to be paid for producing the commodity is based upon the weight or measurement of the commodity. The term includes an accessory attached to or used in connection with a commercial weighing or measuring device when the accessory is so designed or installed that its operation may affect the accuracy of the device.

"Commercial weighing and measuring device" includes a public scale or a commercial scanner.

Sec. 144. Section 215.26, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. *"Department"* means the department of agriculture and land stewardship.

DIVISION XX

WEIGHTS AND MEASURES — STATE METROLOGIST

Sec. 145. Section 213.2, Code 2011, is amended to read as follows:

213.2 Physical standards.

Weights and measures, which conform to the standards of the United States national institute of standards and technology existing as of January 1, 1979, that are traceable to the United States standards supplied by the federal government or approved as being in compliance with its standards by the national bureau of standards shall be the state primary standard of weights and measures. Such weights and measures shall be verified upon initial receipt of same and as often as deemed necessary by the secretary of agriculture. The secretary may provide for the alteration in the state primary standard of weights and measures in order to maintain traceability with the standard of the United States national bureau institute of standards and technology. All such alterations shall be made pursuant to rules promulgated by the secretary in accordance with chapter 17A.

DIVISION XXI

WEIGHTS AND MEASURES — FUEL

Sec. 146. Section 214.1, subsection 3, Code 2011, is amended to read as follows:

3. *"Motor fuel blender pump"* or *"blender pump"* means a motor fuel ~~pump~~ meter that dispenses a type of motor fuel that is blended from two or more different types of motor fuels and which may dispense more than one type of blended motor fuel.

Sec. 147. Section 214.1, subsection 4, Code 2011, is amended to read as follows:

4. *"Motor fuel pump"* means a ~~pump~~, meter, or similar

commercial weighing and measuring device used to measure and dispense motor fuel originating from a motor fuel storage tank, on a retail basis.

Sec. 148. Section 214.11, Code 2011, is amended to read as follows:

214.11 Inspections — recalibrations — penalty.

1. ~~The department of agriculture and land stewardship~~ shall provide for annual inspections of all motor fuel pumps, including but not limited to motor fuel blender pumps, licensed under this chapter. Inspections shall be for the purpose of determining the accuracy of the pumps' measuring mechanisms, and for such purpose the department's inspectors may enter upon the premises of any wholesale dealer or retail dealer, as they are defined in section 214A.1, of motor fuel or fuel oil within this state. Upon completion of an inspection, the inspector shall affix the department's seal to the measuring mechanism of the motor fuel pump. The seal shall be appropriately marked, dated, and recorded by the inspector. If the owner of an inspected and sealed motor fuel pump is registered with the department as a servicer in accordance with section 215.23, or employs a person so registered as a servicer, the owner or other servicer may open the motor fuel pump, break the department's seal, recalibrate the measuring mechanism if necessary, and reseal the motor fuel pump as long as the department is notified of the recalibration within forty-eight hours, on a form provided by the department.

2. A person violating a provision of this section is, upon conviction, guilty of a simple misdemeanor.

DIVISION XXII

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND
BOARD

Sec. 149. Section 455G.4, subsection 1, paragraph a, subparagraphs (4) and (5), Code Supplement 2011, are amended to read as follows:

(4) ~~Two~~ Three public members appointed by the governor and confirmed by the senate to staggered four-year terms, except that, of the first members appointed, one public member shall be appointed for a term of two years and one for a term of four years. A public member shall have experience, knowledge, and expertise of the subject matter embraced within this chapter. ~~The two~~ A public member shall member may have experience in either, or both, financial markets or insurance.

(5) ~~Two~~ Three owners or operators appointed by the governor,

two of which shall be designated as follows:

(a) One member shall be an owner or operator who is self-insured.

(b) One member shall be a member of the petroleum marketers and convenience stores of Iowa or its designee.

JOHN P. KIBBIE
President of the Senate

KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2311, Eighty-fourth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2012

TERRY E. BRANSTAD
Governor